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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH STAR
TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN
STEVEDORING & HANDLING, and NORTH STAR TERMINAL &
STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING &
HANDLING, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, and
SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL
SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK
PRODUCTS, INC.; UNITED STATES FIDELITY AND GUARANTY
COMPANY; and ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-9 (TMB)

**NOTICE OF UNAVAILABILITY FOR TRIAL AND REQUEST FOR
RECONSIDERATION**

COMES NOW counsel for USF&G and herein advises the Court consistent with its Order establishing Trial for May 7, 2007, that he has previously advised the Court in his Amended Notice of Availability for Trial that he was unavailable for Trial the week of May 14, 2007.

The undersigned has a firm and definite travel commitment the week of May 14, and he will be unable to participate in Trial during that week in the event Trial is not concluded on May 11, 2007. As a result, the undersigned considers it extremely prejudicial to his client that the Court has set Trial for the week of May 7, 2007, knowing that the undersigned cannot participate the week of May 14, 2007. As a result, and considering that the undersigned advised the Court that he was available for Trial the entire month of February; the entire month of March other than the week of the 19th; and the entire month of April, the Trial set to commence on May 7, 2007 is indeed prejudicial, considering the likelihood that Trial will not conclude by May 11, 2007.

The Court is respectfully requested to reconsider its Order establishing the Trial date as a result of the above.

Dated this 15th day of November, 2006.

Herbert A. Viergutz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document was served by electronic notification on November 15, 2006, to:

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